

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OTIS HUNT,

Plaintiff,

CIV-S-04-2621 FCD GGH

vs.

JO ANNE BARNHART,
Commissioner of Social Security,

ORDER

Defendant.

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On January 5, 2006, the magistrate judge filed findings and recommendations herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within ten days. No objections have been filed.

This court reviews de novo those portions of the proposed findings of fact to which objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982). As to any portion of the proposed findings of fact to which no objection has been made, the court assumes its correctness and decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are

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1 reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir.
2 1983).

3 The court has reviewed the applicable legal standards and, good cause appearing,
4 concludes that it is appropriate to adopt the Proposed Findings and Recommendations in full.

5 Accordingly, IT IS ORDERED that:

6 1. The Proposed Findings and Recommendations filed January 5, 2005, are
7 ADOPTED;

8 2. Summary judgment is entered in plaintiff's favor, and this matter is remanded
9 pursuant to sentence six of 42 U.S.C. § 405(g), for further administrative proceedings consistent
10 with the findings and recommendations. The Commissioner's motion for summary judgment is
11 denied.

12 DATED: February 21, 2006

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14 /s/ Frank C. Damrell Jr.
15 FRANK C. DAMRELL JR.
16 United States District Judge
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